

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM SPIESS;	:	3:10cv287
KASHEEN THOMAS;	:	
GENE THOMAS, II;	:	
JALEEL HOLDEN; and JOSE	:	(Judge Munley)
LACEN,	:	
Plaintiffs	:	
v.	:	
	:	
	:	
	:	
RICHARD W. LUTHCKE,	:	
JOHN P. BOHRMAN,	:	
LUCAS BRAY,	:	
CHRIS WAGNER ,	:	
MICHAEL RAKACZEWSKI,	:	
DET. WENDY BENTZONI,	:	
Defendants	:	

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ORDER

The above civil cases are listed for a **PRE-TRIAL CONFERENCE** on

Wednesday, December 17, 2014 at 10:00 in the chambers of Judge James M. Munley,

William J. Nealon Federal Building, Corner North Washington Avenue and Linden Street,

Scranton, Pennsylvania.

ALL COUNSEL ARE HEREBY ATTACHED. NO CONTINUANCES WILL BE GRANTED.

Strict compliance with our Local Rules, including Rules 16.2 (Participants), 16.3 (Conference of Attorneys) and 16.6 (pretrial memorandum), as well as this court's Standing Order #1 concerning the pretrial conference, is required. Copies of the Local Rules are available on the Court's website at www.pamd.uscourts.gov.

Failure to appear and/or comply with the Local Rules will result in the imposition of sanctions, including dismissal of the case.

In addition to the LR 16.3 requirement of providing names and addresses of potential witnesses in the pretrial briefs, the parties shall also provide a short statement as to the matter(s) about which each witness will testify.

MOTIONS IN LIMINE: All motions in limine, including those involving the challenge of expert witness testimony under Daubert v. Merrill Dow Pharma., Inc., 509 U.S. 579 (1993), are due fourteen (14) days prior to the pretrial conference. Briefs in opposition to the motions in limine, including Daubert motions, are due seven (7) days prior to the pretrial conference. The court will not accept briefs longer than six (6) pages double-spaced.

Daubert/ expert witness issues: Under Daubert and Federal Rule of Evidence 702, the court has an obligation to evaluate the reliability of expert testimony “where such testimony’s factual basis, data, principles, methods, or their application are called sufficiently into question.” Kumho Tire Co. v. Carmichael, 526 U.S. 137, 149 (1999). The court, however, will not conduct an evidentiary hearing on every Daubert motion.

The party challenging this evidence must address the issue at the expert’s deposition. If the expert has not been deposed, the complaining party must depose the expert. A copy of the deposition transcript, expert report(s), affidavit(s), if any, and the party’s brief outlining the basis for their objection to the testimony, with references to page and line numbers of the deposition transcript, are due fourteen (14) days prior to the pretrial conference. The nonmovant’s (respondent) brief in opposition to the Daubert motion is due seven (7) days prior to the pretrial conference. The court will not accept briefs longer than six (6) pages double-spaced.

As time is of the essence, the court will not address any motion in limine, including those regarding Daubert issues, if they are not timely filed.

BY THE COURT:

s/James M. Munley
JUDGE JAMES M. MUNLEY
United States District Court

Dated: 10/8/14